

SUBCHAPTER D—COMMUNITY PROGRAMS AND RELEASE

PART 570—COMMUNITY PROGRAMS

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Subparts A–B [Reserved]

Subpart C—Furloughs

SOURCE: 46 FR 34552, July 1, 1981, unless otherwise noted.

§ 570.30 Purpose and scope.

The furlough program of the Bureau of Prisons is intended to help the inmate to attain correctional goals. A furlough is not a right, but a privilege granted an inmate under prescribed conditions. It is not a reward for good behavior, nor a means to shorten a criminal sentence.

[46 FR 34552, July 1, 1981, as amended at 59 FR 3510, Jan. 21, 1994]

§ 570.31 Definitions.

(a) A *furlough* is an authorized absence from an institution by an inmate who is not under escort of a staff mem-

ber, U.S. Marshal, or state or federal agents. The two types of furlough are:

(1) *Day furlough*— A furlough within the geographic limits of the commuting area of the institution (approximately a 100-mile radius), which lasts 16 hours or less and ends before midnight.

(2) *Overnight furlough*— A furlough which falls outside or beyond the criteria of a day furlough.

(b) An *anticipated release date*, for purposes of this rule, refers to the first of the following dates which applies to an inmate requesting a furlough:

(1) The inmate's mandatory (statutory) release date;

(2) The inmate's minimum expiration date;

(3) The inmate's presumptive parole date; or

(4) The inmate's effective parole date.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45051, Sept. 30, 1983; 59 FR 3510, Jan. 21, 1994]

§ 570.32 Justification for furlough.

(a) The authority to approve furloughs in Bureau of Prisons institutions is delegated to the Warden or Acting Warden. This authority may not be further delegated. An inmate may be authorized a furlough:

(1) To be present during a crisis in the immediate family, or in other urgent situations;

(2) To participate in the development of release plans;

(3) To reestablish family and community ties;

(4) To participate in selected educational, social, civic, religious, and recreational activities which will facilitate release transition;

(5) To transfer directly to another institution or to a non-federal facility;

(6) To appear in court in connection with a civil action;

(7) To comply with an official request to appear before a grand jury, or to comply with a request from a legislative body or regulatory or licensing agency;

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(8) To appear in a criminal court proceeding, but only when the use of a furlough is requested or recommended by the applicable court or prosecuting attorney; or

(9) To participate in special training courses or in institution work assignments, including Federal Prison Industries (FPI) work assignments, of 30 calendar days or less, when daily commuting from the institution is not feasible.

(b) The Warden may recommend a furlough for an inmate to obtain necessary medical, surgical, psychiatric, or dental treatment not otherwise available. In addition to the recommendation of the Warden, a furlough of this nature requires the recommendation of the Chief Medical Officer (Chief of Health Programs). Approval for a furlough of this type occurs in one of the following ways:

(1) Staff shall contact the Regional Health Services Administrator for approval when the cost of medical care is at the expense of the government. In case of medical emergency, staff may authorize a furlough for hospitalization and shall notify the Regional Health Services Administrator as soon after the emergency admission as possible.

(2) When medical care expenditures are borne by the inmate, or other non-governmental source, the furlough request requires the approval of the Medical Director and the Assistant Director, Correctional Programs Division.

(c) The Warden may refer a request for a furlough in other situations through the Regional Director to the Assistant Director, Correctional Programs Division for approval.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45051, Sept. 30, 1983; 59 FR 3510, Jan. 21, 1994]

§ 570.33 Expenses of furlough.

(a) Except as provided in paragraphs (b) and (c) of this section, the inmate or the inmate's family or other appropriate source approved by the Warden shall bear all expenses of a furlough, including transportation, food, lodging, and incidentals.

(b) The government may bear the expense of a furlough only when the purpose of the furlough is to obtain necessary medical, surgical, psychiatric,

or dental treatment not otherwise available, or to transfer an inmate to another correctional institution (includes community corrections centers), or, if it is for the primary benefit of the government, to participate in special training courses or institutional work assignments (including FPI work assignments) as outlined in § 570.32(a)(9).

(c) The Warden may allow an inmate scheduled for transfer to a community corrections center (CCC) to choose the means of transportation to the CCC if all transportation costs are borne by the inmate. An inmate traveling under these provisions is expected to go directly as scheduled from the institution to the CCC.

[48 FR 45052, Sept. 30, 1983, as amended at 59 FR 3510, Jan. 21, 1994; 59 FR 53937, Oct. 27, 1994]

§ 570.34 Eligibility requirements.

(a) Except as provided in paragraph (b) of this section, the Warden may grant a furlough only to an inmate with community custody.

(b) The Warden may grant a furlough to an inmate with "out" custody only when the furlough is for the purpose of transferring directly to another institution (except community corrections centers) or for obtaining local medical treatment not otherwise available at the institution.

(c) The Warden may grant a furlough only to an inmate the Warden determines to be physically and mentally capable of completing the furlough.

(d) The Warden may grant a furlough only to an inmate who has demonstrated sufficient responsibility to provide reasonable assurance that furlough requirements will be met.

(e) The Warden shall determine the eligibility of an inmate for furlough in accord with the inmate's anticipated release date and the basis for the furlough request.

(1) The Warden may approve only an emergency furlough (family crisis or other urgent situation) for an inmate who has been confined at the initially designated institution for less than 90 days.

(2) The Warden may approve only an emergency furlough for an inmate with more than two years remaining until the inmate's anticipated release date.

(3) The Warden may approve a day furlough for an inmate with two years or less remaining until the inmate's anticipated release date.

(4) The Warden may approve an overnight furlough within the institution's commuting area for an inmate with 18 months or less remaining until the inmate's anticipated release date.

(5) The Warden may approve an overnight furlough outside the institution's commuting area for an inmate with one year or less remaining until the inmate's anticipated release date. The Warden may ordinarily approve an overnight furlough not to exceed once each 90 days.

(6) If the Warden approves a furlough outside the above guidelines, the Warden shall document the reasons in the inmates's central file.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45052, Sept. 30, 1983; 49 FR 8566, Mar. 7, 1984; 59 FR 3511, Jan. 21, 1994]

§ 570.35 Limitations on eligibility.

(a) The Warden ordinarily may not grant a furlough to an inmate convicted of a serious crime against the person and/or whose presence in the community could attract undue public attention, create unusual concern, or depreciate the seriousness of the offense. If the Warden approves a furlough for such an inmate, the Warden must place a statement of the reasons for this action in the inmate's central file.

(b) The Warden may approve a furlough for an inmate classified a central monitoring case upon compliance with the requirements of this rule and the requirements of part 524, subpart F.

(c) Staff at a contract facility may approve a furlough for a sentenced inmate housed in the contract facility as specified in that facility's written agreement with the Bureau of Prisons.

(d) The Bureau of Prisons does not have the authority to furlough U.S. Marshals prisoners in contract jails. Staff are to refer requests for such furloughs to the U.S. Marshals.

(e) Furlough for pretrial inmates will be arranged in accordance with the rule on pretrial inmates (see part 551, subpart J).

[46 FR 34552, July 1, 1981, as amended at 48 FR 45052, Sept. 30, 1983]

§ 570.36 Procedures.

(a) An inmate who meets the eligibility requirements of this rule may submit to staff an application for furlough.

(b) Before approving the application, staff shall verify that a furlough is indicated.

(c) Staff shall notify an inmate of the decision on the inmate's application for furlough. Where an application for furlough is denied, staff shall notify the inmate of the reasons for denial.

(d) Each inmate who is approved for a furlough must agree to abide by the specified conditions (table 1) of the furlough.

TABLE 1—CONDITIONS OF FURLOUGH

1. I will not violate the laws of any jurisdiction (federal, state, or local). I understand that I am subject to prosecution for escape if I fail to return to the institution at the designated time.

2. I will not leave the area of my furlough without permission, with the exception of traveling to the furlough destination, and returning to the institution.

3. While on furlough status, I understand that I remain in the custody of the U.S. Attorney General. I agree to conduct myself in a manner not to bring discredit to myself or to the Bureau of Prisons. I understand that I am subject to arrest and/or institution disciplinary action for violating any conditions(s) of my furlough.

4. I will not purchase, possess, use, consume, or administer any narcotic drugs, marijuana, intoxicants in any form, nor will I frequent any place where such articles are unlawfully sold, dispensed, used, or given away.

5. I will not use any medication that is not prescribed and given to me by the institution medical department for use or prescribed by a licensed physician while I am on furlough. I will not have any medical/dental/surgical/psychiatric treatment without the written permission of staff, except where an emergency arises and necessitates such treatment. I will notify institution staff of any prescribed medication or treatment received in the community upon my return to the institution.

6. I will not have in my possession any firearm or other dangerous weapon.

7. I will not get married, sign any legal papers, contracts, loan applications, or conduct any business without the written permission of staff.

8. I will not associate with persons having a criminal record or with those persons who I know are engaged in illegal occupations.

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9. I agree to contact the institution (or United States Probation Officer) in the event of arrest, or any other serious difficulty or illness.

10. I will not drive a motor vehicle without the written permission of staff. I understand that I must have a valid driver's license and sufficient insurance to meet any applicable financial responsibility laws.

11. I will not return from furlough with any article I did not take out with me (for example, clothing, jewelry, or books). I understand that I may be thoroughly searched and given a urinalysis and/or breathalyzer and/or other comparable test upon my return to the institution. I understand that I will be held accountable for the results of the search and tests(s).

12. Special Instructions:

I have read, or had read to me, and I understand the above conditions concerning my furlough and agree to abide by them.

Inmate's Signature _____
Reg. No _____
Date _____

Signature/Printed Name of Staff Witness _____

(e) Upon completion of an inmate's furlough, staff shall record in the inmate's central file anything unusual which occurred during the furlough.

[46 FR 34552, July 1, 1981, as amended at 48 FR 45052, Sept. 30, 1983]

§ 570.37 Violation of furlough.

An inmate who absconds from furlough or fails to meet any of the conditions of the furlough is deemed to be an escapee under 18 U.S.C. 4082, 751.

(a) Staff shall process as an escapee an inmate who absconds from furlough.

(b) Staff may take disciplinary action against an inmate who fails to comply with any of the conditions of the furlough.

[48 FR 45052, Sept. 30, 1983]

Subpart D—Escorted Trips

SOURCE: 50 FR 48366, Nov. 22, 1985, unless otherwise noted.

§ 570.40 Purpose and scope.

The Bureau of Prisons provides approved inmates with staff-escorted trips into the community for such purposes as receiving medical treatment not otherwise available, for visiting a critically-ill member of the inmate's immediate family, or for participating in program or work-related functions.

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§ 570.41 Medical escorted trips.

(a) Medical escorted trips are intended to provide an inmate with medical treatment not available within the institution. There are two types of medical escorted trips.

(1) *Emergency medical escorted trip.* An escorted trip occurring as the result of an unexpected life-threatening medical situation requiring immediate medical treatment not available at the institution. The required treatment may be on either an in-patient or out-patient basis.

(2) *Non-emergency medical escorted trip.* A pre-planned escorted trip for the purpose of providing an inmate with medical treatment ordinarily not available at the institution. The required treatment may be on either an in-patient or out-patient basis.

(b) The Clinical Director or designee is responsible for determining whether a medical escorted trip is appropriate.

(c) *Escorted trip procedures—out-patient medical treatment.* A recommendation for an inmate to receive a medical escorted trip is prepared by medical staff, forwarded through the appropriate staff for screening and clearance, and then submitted to the Warden for review. The Warden may approve an inmate for an out-patient medical escorted trip.

(d) *Escorted trip procedures—in-patient medical treatment.* A recommendation for an inmate to receive a medical escorted trip is prepared by medical staff, forwarded through the appropriate staff for screening and clearance, and then submitted to the Warden. The Warden may approve an inmate for an in-patient medical escorted trip.

[50 FR 48366, Nov. 22, 1985, as amended at 57 FR 21158, May 18, 1992]

§ 570.42 Non-medical escorted trips.

(a) Non-medical escorted trips allow an inmate to leave the institution under staff escort for approved, non-medical reasons. There are two types of non-medical escorted trips.

(1) *Emergency non-medical escorted trip.* An escorted trip for such purposes as allowing an inmate to attend the funeral of, or to make a bedside visit to, a member of an inmate's immediate

family. For purposes of this rule, immediate family refers to mother, father, brother, sister, spouse, children, step-parents, and foster parents.

(2) *Non-emergency, non-medical escorted trip.* An escorted trip for such purposes as allowing inmates to participate in program-related functions, such as educational or religious activities, or in work-related functions.

(b) *Escorted trip procedures—emergency non-medical reasons.* Unit staff are to investigate, and determine, the merits of an escorted trip following a review of the available information. This includes contacting those persons (e.g., attending physician, hospital staff, funeral home staff, family members, U.S. Probation Officer) who can contribute to a determination on whether an escorted trip should be approved.

(1) The government assumes the salary expenses of escort staff for the first eight hours of each day. All other expenses, including transportation costs, are assumed by the inmate, the inmate's family, or other appropriate source approved by the Warden. The necessary funds must be deposited to the inmate's trust fund account prior to the trip. Funds paid by the inmate for purposes of the escorted trip are then drawn, payable to the Treasury of the United States. Unexpended funds are returned to the inmate's trust fund account following the completion of the trip.

(2) A request for an inmate to receive an emergency non-medical escorted trip is prepared by unit staff, forwarded through the appropriate staff for screening and clearance, and then submitted to the Warden. Except as specified in §570.43, the Warden may approve an inmate for an emergency non-medical escorted trip.

(c) *Escorted trip procedures—non-emergency, non-medical reasons.* This type of escorted trip is considered for an inmate who has been at the institution for at least 90 days, and who is considered eligible for less secure housing and for work details, under minimal supervision, outside the institution's perimeter. A recommendation for an inmate to receive an escorted trip for non-emergency, non-medical reasons is prepared by the recommending staff, forwarded through the appropriate

staff for screening and clearance, and then submitted to the Warden. Except as specified in §570.43, the Warden may approve an inmate for a non-emergency, non-medical escorted trip.

§570.43 Inmates requiring a high degree of control and supervision.

Only the Regional Director may approve a non-medical escorted trip (either emergency or non-emergency) for an inmate determined to require a high degree of control and supervision.

§570.44 Supervision and restraint requirements.

Inmates under escort will be within the constant and immediate visual supervision of escorting staff at all times. Restraints may be applied to an inmate going on an escorted trip, after considering the purpose of the escorted trip and the degree of supervision required by the inmate. Except for escorted trips for a medical emergency, an inmate going on an escorted trip must agree in writing to the conditions of the escorted trip (for example, agrees not to consume alcohol).

§570.45 Violation of escorted trip.

(a) Staff shall process as an escapee an inmate who absconds from an escorted trip.

(b) Staff may take disciplinary action against an inmate who fails to comply with any of the conditions of the escorted trip.

PART 571—RELEASE FROM CUSTODY

Subpart A [Reserved]

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